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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,688	01/03/2001	Toru Shirasaki	3061/22	9745

7590 08/01/2002

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EXAMINER

PATTERSON, MARC A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 08/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,688

Applicant(s)

SHIRASAKI, TORU

Examiner

Marc A Patterson

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase ‘in a container’ is indefinite because it is unclear what location the term ‘in’ refers to. The phrase ‘as an assembly of’ is indefinite because its meaning is unclear. For purposes of examination, the phrase will be assumed to mean ‘comprising.’ The term ‘base’ is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean an entire exterior frame. The phrase ‘the surface layer’ is indefinite because it is unclear what layer is being claimed. For purposes of examination, it will be assumed that any layer which is in contact with the exterior frame is being claimed. The term ‘mountable’ is indefinite because it is unclear if mounting takes place or not. For purposes of examination, it will be assumed that mounting takes place. The term ‘cladding’ is also indefinite; a cladding is a metal coating on a metal surface, and no metal surface has been claimed. The phrases ‘forming at least the surface layer’ and ‘to form a cladding layer’ are method limitations in an article claim, and therefore will be given little patentable weight. The term ‘from an inorganic material’ is also indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean ‘comprising an inorganic material.’

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3. Claim 1 recites the limitation "the covering facing the inside space" in line 5.

There is insufficient antecedent basis for this limitation in the claim.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'are entirely formed from' is a method limitation in an article claim, and therefore will be given little patentable weight.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'is formed' is a method limitation in an article claim, and therefore will be given little patentable weight. The phrase 'only on the surfaces' is indefinite, because it is unclear what location is being claimed. The term 'plastic' appears to be misspelled 'plastic.' Claim 3 recites the limitation "the covering made from a plastic resin" in line 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'is formed' is a method limitation in an article claim, and therefore will be given little patentable weight. The phrase 'both on the surfaces' is indefinite, because it is unclear what location is being claimed. The phrase 'and on the outwardly facing surfaces thereof' is indefinite, because it is unclear what location is

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being claimed. Claim 4 recites the limitation "the covering made from a plastic resin" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 – 4 and 6 – 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yen (U.S. Patent No. 4,470,508).

With regard to Claims 1, 4 and 6, Yen discloses a container (package; column 3, lines 5 – 12) for a framed pellicle (pellicle having a support ring on the outside; column 4, lines 22 – 35) having an exterior frame (column 5, lines 3 – 17) and a covering which is mounted on the frame (spacer blocks; column 5, lines 18 – 24); the frame and spacer blocks form the inside space for containing the framed pellicle (column 3, lines 41 – 48; Figure 1); the surface layer of the container (the spacer blocks; column 5, lines 18 – 24) and the surface layer of the covering (the spacer blocks; column 5, lines 18 – 24) are formed of an inorganic material comprising a metal (aluminum; column 5, lines 18 – 24).

With regard to Claim 2, Yen teaches that the exterior frame and spacer blocks comprise a material which has high surface integrity, and that the spacer blocks comprise aluminum (column 5, lines 3 – 24); the claimed aspect of the exterior frame and covering comprising the inorganic material therefore read on Yen.

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With regard to Claim 3, Yen teaches that aluminum and polyethylene are equivalent as materials for making the container (column 5, lines 18 – 24); the claimed aspect of the layer being formed only on the surface of the exterior frame therefore reads on Yen.

With regard to Claim 7, the material comprises aluminum, as stated above, is aluminum, and therefore comprises alumina.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen (U.S. Patent No. 4,470,508) in view of Suzuura et al (U.S. Patent No. 6,066,404).

Yen discloses a container for a pellicle comprising an inorganic material as discussed above. Yen fails to disclose an inorganic material having a thickness of at least 0.1  $\mu\text{m}$ . Suzuura et al teach a thickness of 12  $\mu\text{m}$  for an inorganic material in a container for a pellicle (column 28, lines 48 – 55), for the purpose of making a container having a stable cleanliness (column 28, lines 48 – 55).

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***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

*Marc Patterson*  
Art Unit 1772

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
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*7/29/02*